

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

JAMES R. SCHULTZ,

Plaintiff,

v.

ERIC JOHNSON, JOHN SEVERSON,  
KENNETH MILBECK and BRADLEY HOOVER,

Defendants.

---

ORDER

10-cv-581-bbc

In an order entered April 15, 2011, I denied plaintiff's motion to compel defendants to provide both the normal-sized and the enlarged copies of two photographs showing injuries to plaintiff's body. I denied this motion because plaintiff already had been given copies of these photographs and because defendants have no obligation to provide enlarged copies of the pictures. Now plaintiff has filed a motion to compel defendants to turn over the original March 23, 2005 photos. Dkt. 60. Plaintiff has attached photocopies of the photos to his motion. I find these photos to be sufficiently clear and detailed for present purposes in this case, so there is no reason for defendants to provide the originals or new copies. Therefore, I will deny plaintiff's motion to compel as unnecessary. We can revisit this issue in limine if this case goes to trial.

Plaintiff also has filed a motion for extension of time, dkt. 59. In the motion, he asks for an extension of time to respond to defendants' amended answer (dkt. 55), an extension of time to file a reply to his motion to compel (dkt. 53) and an extension of time to file his reply to his motion for judgment on the pleadings (dkt. 44). Plaintiff's motion for extension of time will be denied in part and granted in part.

As for plaintiff's request for an extension of time to respond to defendants' amended answer, plaintiff does not need to file such a response. In fact, Fed. R. Civ. P. 7(a) *forbids* a plaintiff from

submitting a reply to an answer unless the court directs him to reply. No such order has been or will be made in this case because the court automatically assumes that plaintiff is denying all of defendants' averments and affirmative defenses. *See* Fed. R. Civ. P. 8(b)(6). Likewise, plaintiff does not need to file a reply to his motion to compel. The court has ruled on the motion, so there is no need to file a reply.

Plaintiff may have a short extension of time to file his reply in support of his motion for judgment on the pleadings. Plaintiff states that he is suffering from carpal tunnel syndrome and he has limited access to a typewriter. He asks for a 30-day extension of time; at this point a two-week extension would seem to be sufficient. Plaintiff may now have until May 10, 2011 to file his reply.

#### ORDER

IT IS ORDERED that

1. Plaintiff James Schultz's motion for extension of time, dkt. 59, is GRANTED in part. Plaintiff may have until May 10, 2011 to file his reply in support of his motion for judgment on the pleadings.

2. Plaintiff's motion to compel, dkt. 60, is DENIED.

Entered this 26<sup>th</sup> day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge